

Federal Communications Commission
Office of the Secretary
445 12th Street, SW, Room TW-A325
Washington, DC 20554

June 08, 2000

In the Matter of

Request for Review of the
Decision of the
Universal Service Administrator by:

Lee County School District
2055 Central Avenue
Ft. Myers, FL 33901

Ref. FCC Docket Nos. 97-21 and 96-45/

Contact Information:

George M. Stapp, Systems Analyst
Network Control & Operations
Lee County School District
2055 Central Avenue
Ft. Myers, FL 33901
Phone: (941) 337-8268
FAX: (941) 337-8633
Email: georges@lee.k12.fl.us

Re: SLD Denial of
Billed Entity Number: 127832
Application Number: 153229
Funding Request Number(s): 295909, 295911, 295914, 295916, 295919, 295922,
295924, 295926, 295928, 295930, 295932, 295934,
295936, 295938, 295940, 295943, 295945, 295947,
295948, 295950, 295951, 295952

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In the Matter of
Request for Review of
The Decision of the Universal Service Administrator
By: Lee County School District
2055 Central Avenue
Ft. Myers, FL 33901

Ref. FCC Docket Nos. 97-21 and 96-45

Gentlemen,

We believe we are being penalized for something that was beyond our control, (Ref. FCC Order 00-100), involving Copan Public Schools – Released March 16, 2000 - File No. SLD-26231, CC Docket No. 96-45, CC Docket No. 97-21, rel. 3/16,2000. Spec. Part I, Par. #3 (11) and Part III, Par. 7 (23,24).

We feel that based on the Copan Public Schools decision, the changes we made in our contract were more than justified and SHOULD NOT be denied.

We had successfully applied for, and received, the USAC/SLD Funding Commitment Report Letter regarding our 471 Application Number 153229 dated October 26,1999.

The award was for electronic data switches for the above FRN's for our schools. After we received this FCR Approval Letter from SLD, the *manufacturer* of our first choice for these devices was unable to provide the switches we desired, so we decided on our second choice for switches.

Seeking direction and advice, we then contacted the SLD and explained the situation to their representative, and we were told to simply send a letter to them explaining the situation, as a formality, and that there shouldn't be any problem since the service provider and SPIN Number would not change. We were told to send the letter with regard as to a "Request for Correction." We did not believe that it was a letter of 'appeal' as we were under the impression that we were already approved for funding as previously stated.

We sent a letter to the SLD on November 11,1999, which is included with this letter, referring to Application Number 153229.

We proceeded to purchase our second choice for switches from the *same* Service Provider, *same* SPIN Number. These schools were in the 80% bracket. We have subsequently paid to the **approved service provider** *our* portion of the total amount.

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Ref. FCC Docket Nos. 97-21 and 96-45

However, we have subsequently received an unsuspected letter from the SLD, dated May 9, 2000, which in fact denied our "appeal".

The request for *this* appeal letter is for our schools to receive what we believe to be their rightful allocation of funds that *were originally approved by the SLD/USAC*.

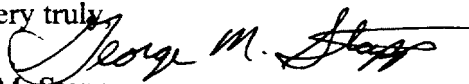
In actuality, there exist **no changes** in the Form 471 submittal (Ref. Request for review of the Scranton School District, Scranton, PA, CC Docket Nos. 96-45,97-21,DA 00-20).

Our hope is that you will be able to remand the current decision by the SLD, and remain faithful to the Universal Service Order, 12 FCC Rcd at 9029, para. 481, which states in part " . . . *our goal of affording schools and libraries flexibility to determine the offering that meets their needs most effectively and efficiently.*"

All relevant material facts and supporting documentation are enclosed with this letter.

Thank you for your diligent attention in this matter. Again, we hope that you will decide to uphold the funding previously committed to our combined efforts to equip our schools with the appropriate and eligible technology that this E-Rate program was designed for.

Yours very truly,



George M. Stapp
Network Control & Operations

Cc. Susan K. Zellers, Executive Director, Communications & Technology, L.C.S.D.
Steven Baker, Manager, Network Control & Operations, L.C.S.D.

USAC
UNIVERSAL SERVICE
ADMINISTRATIVE CO.

SCHOOLS AND LIBRARIES DIVISION
Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

LEE COUNTY SCHOOL DISTRICT
CHRIS STEWART
2055 CENTRAL AVE
FORT MYERS FL 33901-3916

JUN 8 2000

October 26, 1999

Re: Form 471 Application Number: 153229
Funding Year: 07/01/1999 - 06/30/2000
Billed Entity Number: 127832

Thank you for your 1999-2000 E-rate application and for any assistance you provided throughout our review. We have completed processing of your Form 471. This letter is to advise you of our decisions.

FUNDING COMMITMENT REPORT

From your Form 471, we reviewed row-by-row discount requests in Items 15 and 16. We assigned each row a Funding Request Number (FRN). On the pages following this letter, we have provided a Funding Commitment Report for each FRN in your application.

Attached to this letter you will find a guide that defines each line of the Funding Commitment Report and a complete list of FRNs from your application. The SLD is also sending this information to your service provider(s) so arrangements can be made to begin implementing your E-rate discount(s). We would encourage you to contact your service providers to let them know your plans regarding these services.

FOR QUESTIONS

If you have questions regarding our decisions on your E-rate application, please notify us in writing. Your questions should be sent to: Questions, Schools and Libraries Division, Universal Service Administrative Company, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981.

FOR APPEALS

If you wish to appeal to the SLD, your appeal must be made in writing and received by us within 30 days of issuance of this letter as indicated by its postmark. In your letter of appeal, please include: correct contact information for the appellant, information on the Funding Commitment Decision you are appealing and the specific Funding Request Number in question, and an original authorized signature. Appeals sent by fax, e-mail or phone call cannot be processed. Please mail your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981. You may also call our Client Service Bureau at 888-203-8100. While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC): FCC, Office of the Secretary, 445 12th Street SW, Room TW-A 325, Washington, D.C. 20554.

NEXT STEPS

Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step is to complete and submit the enclosed FCC Form 486. This Form notifies the SLD that you are currently receiving or have begun receiving services approved for discounts and provides certified indication that your technology plan(s) has been approved. As you complete your Form 486, you should also contact your service provider to verify they have received notice from the SLD of your commitments. After the SLD processes your Form 486, we can begin processing invoices from your service provider(s) so they can be reimbursed for discounted services they have provided you. For further detailed information on next steps, please review all enclosures.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not limited to that by SLD, the Applicant, or service provider, and that the action or inaction was not in accordance with such requirements, SLD may be required to cancel these funding commitments and seek repayment of any funds disbursed not in accordance with such requirements. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC) may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds.

The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

We look forward to continuing our work with you on connecting our schools and libraries together through communications technology.

Sincerely,
Kate L. Moore
President, Schools and Libraries Division, USAC

Enclosures

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153229

Funding Request Number: 0000295909 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 02202
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295911 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01122
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295914 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01149
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295916 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01125
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295919 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 02471
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153229

Funding Request Number: 0000295922 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 02834
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295924 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01129
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295926 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01134
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295928 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01135
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295930 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01148
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153229

Funding Request Number: 0000295932 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01138
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295934 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 02335
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295936 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 38290
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295938 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01140
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295940 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01141
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153229

Funding Request Number: 0000295943 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01142
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295945 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 02337
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295947 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01159
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295948 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 02472
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295950 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01153
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

FUNDING COMMITMENT REPORT FOR APPLICATION NUMBER: 0000153229

Funding Request Number: 0000295951 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01145
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

Funding Request Number: 0000295952 Funding Status: Funded
SPIN: 143004549 Service Provider Name: JDL Technologies
Provider Contract Number: NOT PROVIDED
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/1999
Contract Expiration Date: 10/04/1999
Site Identifier: 12 01080 01146
Pre-discount Cost: \$2,780.00
Discount Percentage Approved by the SLD: 80%
Funding Commitment Decision: \$2,224.00 - 471 approved as submitted

November 11, 1999

To: SLD Representatives

**From: George Stapp, Systems Analyst
Network Control & Operations
Lee County School District
2055 Central Avenue
Ft. Myers, FL 33901
Email: georges@lee.k12.fl.us**

JUN 10 2000

**RE: Request for Correction
Application Number 153229
Year 2 Funding Approval**

Dear Sir or Madam:

**In a recent phone conversation regarding our funding approval for Electronic Switches in our wiring closets for schools, I was instructed by one of your supervisors to send you this letter to explain a correction on our approved application.
This is regarding our Form 471 Application Number 153229.**

When we applied for the Switches, the vendor was Plaintree, which is now obsolete for our purposes. Since then our technology direction evaluation process has decided on the 3-Com switch, which was our second choice.

The service provider (JDL Technologies) and their SPIN Number will remain the same as approved by SLD.

Once again, we understand that we were approved for switches, and we are allowed to use up to the allocated amount approved at these schools that are in the 80 % bracket.

We will be awaiting your acceptance of this letter of correction by your prompt return acknowledgment. Thank you for your attention to this matter.

If you have any questions or comments, you may contact me at (941) 337-8268.

Sincerely,

George M. Stapp



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

SCHOOLS AND LIBRARIES DIVISION

Box 125 – Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

Administrator's Decision on Appeal - Funding Year 1999-2000

May 9, 2000

George Stapp
Lee County School District
2055 Central Ave.
Ft. Myers, FL 33901

JUN 6 2000

22.11.5

Re: Billed Entity Number: 127832
Application Number: 153229
Funding Request Number(s): 295909, 295911, 295914, 295916, 295919, 295922,
295924, 295926, 295928, 295930, 295932, 295934,
295936, 295938, 295940, 295943, 295945, 295947,
295948, 295950, 295951, 295952
Your Correspondence Dated: 11/11/99

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number.

Funding Request Number: 295909, 295911, 295914, 295916, 295919, 295922, 295924, 295926,
295928, 295930, 295932, 295934, 295936, 295938, 295940, 295943,
295945, 295947, 295948, 295950, 295951, 295952

Decision on Appeal: Denied in full

Explanation:

The information submitted on the original application and during the review process until application approval is the responsibility of the applicant. Corrections to the application can not be made once the application is approved, unless proven the error is the fault of SLD. Additional requests beyond those included on the original Form 471 can only be consider if on a new Form 471.

If you feel further examination of your application is in order; you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12TH Street, SW, Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <www.sl.universalservice.org>. You must file your appeal with the FCC no later than 30 days from the date of the issuance of this letter, in order for your appeal to be timely filed.

You should now move ahead, if you haven't already done so, with your Form 486 and related post-commitment arrangements for services for which funds have been committed and services have begun to flow. We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company